

## **Chapter 35 STREETS AND SIDEWALKS**

### **Sec. 35-12. Obstructions generally.**

Except as otherwise provided, it shall be unlawful for any person, in any way whatever, to obstruct any street or sidewalk in the City.

(Code 1962, § 28-8)

Cross references: Obstructing free passage of others, § 23-14; trains obstructing street crossings, § 31-9.

### **Sec. 35-13. Removal of street encroachments.**

In every case of an encroachment upon a street, sidewalk or alley of the City by a building, fence, steps or other thing, unless there has been a special permit granted by the Council in reference thereto, the City Manager may require the owner of such building, fence, steps or other obstruction to remove the same.

(Code 1962, § 28-6)

### **Sec. 35-14. Clearance of tree limbs above street or sidewalk.**

It shall be unlawful for any person to suffer his shade trees to have any limbs lower than twelve (12) feet above the sidewalk or street. If the owner shall fail or refuse to have such limbs cut off, the Director of Public Works shall trim such trees so as to conform with the provisions of this section.

(Code 1962, § 28-9)

#### **Sec. 35-14.1. Obstructions to visibility at street intersections.**

(a) No sign, fence, wall, hedge, planting or other obstruction to vision, extending from a height of two and one-half (2 1/2) feet to ten (10) feet above the established street grade, shall be permitted within the area formed by the intersection of right-of-way lines at corner lots and a straight line joining the right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines at the corner of the lot. This section shall not apply to mail boxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants, trees with no visual obstruction (except tree trunk) up to the height of ten (10) feet above the established street grade, or when an engineering and traffic investigation reveals that no safety hazard exists.

(b) Upon determination that a violation of this section exists, the City shall send written notice of the violation to the owner or occupant of the lot requiring the owner or occupant to remove all obstructions violating the provisions of this section within five (5) days after receipt of the written notice. It shall be unlawful for any owner or occupant of a corner lot to fail to remove all obstructions violating the provisions of this section within five (5) days after receipt of written notice from the City so to do.

(c) Upon failure of the owner or occupant of a corner lot to comply with the provisions of this section within five (5) days after receipt of written notice from the City so to do, the City may enter upon such lot and remove therefrom any and all obstructions found to be in violation of this section. Where trees, shrubs, hedges or other plantings constitute the violation of this section, the City shall have the authority to either trim or remove the same based upon the most cost effective method.

(d) In the event an obstruction violating this section is located on City-owned property or right-of-way, such obstruction may be trimmed or removed, whichever is applicable; provided, however, that prior to removal the City shall give written notice to the owner or occupant of the property adjacent to the City-owned property or right-of-way on which the violation of this section is located of the City's intention to remove the obstruction within five (5) days from the receipt of the written notice.

(Ord. No. 83-11.5, 11-7-83)